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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,365	03/26/2004	Tsugio Okamoto	119261	7633
25944	7590	12/18/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER MRUK, GEOFFREY S	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 12/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/809,365

Applicant(s)

OKAMOTO, TSUGIO

Examiner

Geoffrey Mruk

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-9 is/are rejected.
- 7) ☐ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 October 2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa et al. (US 4,383,263).

With respect to claim 1, Ozawa discloses an inkjet printer comprising:

- a head (Fig. 5, element 504) including an ink ejection surface that ejects ink ;
- a cap (Fig. 5, element 510) capable of moving to come into contact with the ink ejection surface of the head (Column 14, lines 41-51), the cap includes an ink outflow channel (Fig. 5, element 520) where the ink ejected from the head flows out to external due to weight of the ink (Fig. 5, element 535);

- a primary recovery portion (Fig. 5, elements 505, 506) that allows the ink flowing out from the cap through the ink outflow channel to flow into the primary recovery portion to recover the ink (Column 14, line 65 – Column 15, line 5), the primary recovery portion being configured to move together with the cap (Column 14, lines 41-42); and
- a secondary recovery portion (Fig. 5, element 526) including an ink absorber (Column 14, lines 5-6), which draws and absorbs the ink due to a capillary phenomenon from the primary recovery portion contacting the ink absorber to the primary recovery portion to recover the ink (Column 10 lines 9-14).

With respect to claim 5, Ozawa discloses the primary recovery portion (Fig. 5, elements 505, 506) includes an ink absorber (Fig. 5, element 531) that absorbs the ink due to the capillary phenomenon (Column 15, lines 18-21).

With respect to claim 6, Ozawa discloses a valve (Fig. 5, elements 512, 522) that closes the ink outflow channel when the cap is in close contact with the head and opens the ink outflow channel when the cap is at a distance from the head (Column 13, lines 17-53).

With respect to claim 7, Ozawa discloses an ink reservoir (Fig. 5, element 506) disposed in the middle of the ink outflow channel (Fig 5, element 520), the ink reservoir that reserves a part of the ink flowing into the ink reservoir from an upstream and allows the rest of the ink to overflow to a downstream, to make the reserved ink block gas flowing back through the ink outflow channel (Column 13, lines 17-53).

With respect to claim 8, Ozawa discloses an ink reservoir (Fig. 5, element 506) disposed at an outlet of the ink outflow channel (Fig. 5, element 520), the ink reservoir that reserves a part of the ink flowing into the ink reservoir from an upstream and allows the rest of the ink to overflow to a downstream, to make the reserved ink block gas flowing back through the ink outflow channel (Column 13, lines 17-53).

With respect to claim 9, Ozawa discloses the cap (Fig. 5, element 510) moves between a first position and a second position (Column 14, lines 41-42); when the cap reaches the first position, the cap is in close contact with the head (Column 12, lines 40-43).

***Allowable Subject Matter***

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for allowance for claims 2-4 is that applicant's claimed invention includes an inkjet printer having a primary recovery portion that moves together with the cap in a direction perpendicular to a direction in which the cap moves to come into contact with the ink ejection surface. It is this limitation, expressed in the claimed combination not found, taught, or suggested in the prior art that makes these claims allowable over the prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is (571) 272-2810. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM  
12/11/2007



STEPHEN MEIER  
SUPERVISORY PATENT EXAMINER